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**UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA**

**SAN JOSE DIVISION** \*E-FILED - 6/6/05\*

DIRECTV, INC., a California corporation,  
  
                     Plaintiff,  
  
                     vs.  
  
 TOM PEPPER,  
  
                     Defendant.

Case No. CV-03-5361 RMW

Hon. Ronald M. Whyte

**REQUEST FOR VOLUNTARY DISMISSAL  
 OF DEFENDANT TOM PEPPER;  
~~PROPOSED~~ ORDER THEREON**

Pursuant to Fed. R. Civ. P. 41(a)(2), Plaintiff DIRECTV, Inc. ("DIRECTV") hereby respectfully requests that the Court enter an Order dismissing the above-captioned action with prejudice as to Defendant TOM PEPPER ("Defendant"). This request is made on the grounds that Defendant and DIRECTV have entered into an agreement settling this matter. Pursuant to the terms of that agreement, DIRECTV agreed to voluntarily dismiss this action against Defendant, each party to bear its/his own attorneys' fees and costs incurred in this action to date.

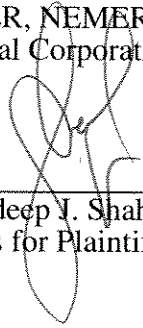
Defendant answered the Complaint on or about April 13, 2004. DIRECTV, therefore, cannot unilaterally voluntarily dismiss this action against Defendant absent a Court order. Fed. R. Civ. P. 41(a). Accordingly, DIRECTV respectfully requests the entry of such an order dismissing Defendant with prejudice.

1 Defendant PEPPER is the only active Defendant in this action. This entire action  
2 as to all remaining claims is therefore terminated in full.

3 DATED: May 25, 2005

Respectfully Submitted,

4 BUCHALTER, NEMER, FIELDS & YOUNGER  
5 A Professional Corporation

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7 By:   
8 Sandeep J. Shah  
9 Attorneys for Plaintiff DIRECTV, Inc.  
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**ORDER**

Having read the foregoing Request for Voluntary Dismissal of Defendant PEPPER filed by Plaintiff DIRECTV, Inc., and such other pleadings and papers deemed appropriate by the Court, and GOOD CAUSE appearing therefore, the Court ORDERS as follows:

1. This action is hereby dismissed with prejudice as against Defendant PEPPER only;
2. Each party shall bear its/his own attorney's fees and costs incurred in this action to date; and
3. As Defendant PEPPER is the last remaining active Defendant in this action, this entire action as to all remaining claims is hereby terminated in full.

DATED: 6/6/05

/S/ RONALD M. WHYTE

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Honorable Ronald M. Whyte  
United States District Court  
Northern District of California